



**November 7, 2022**

## **Electronic Logging Device Update as Enforcement date of January 1<sup>st</sup>, 2023, approaches**

The PMTC attended the fall Canadian Council of Motor Transport Administrators (CCMTA) Compliance & Regulatory Affairs Committee (CRA) meetings in Ottawa on November 3<sup>rd</sup>. This was the CCMTA's first return to in-person meetings since November of 2019 as a result of Covid. These meetings are invaluable and are important to attend for anyone who has a stake in safety, compliance and regulatory harmonization across this country. These meetings gather key transportation regulatory officials from each province and Territory as well as the federal government and allows industry stakeholders to hear firsthand what is new and what is coming down the road for rules and regulations, and even more important, allows stakeholders to provide their views and engage in open dialogue with regulators. One of the key items discussed this year was an update on the ELD regulation and where each jurisdiction and the feds stand in readiness to enforce the regulation by the stated enforcement date of January 1<sup>st</sup> of 2023. Since I have received many calls and emails over the last couple weeks wondering about the status, I am going to take this opportunity to provide you with the latest updates, that were provided at the CRA meetings last week.

### **Devices**

There are currently 55 approved devices listed on Transport Canada's approved list. In order for you to be compliant with the federal regulation, prior to January 1<sup>st</sup>, you must select, install, activate and be using one of these approved devices by the enforcement date. (The regulation has actually been in place since June 12<sup>th</sup> of 2021, but enforcement was delayed as a result of a lack of devices as well as some other operational issues). To confirm if a device you are currently using is compliant, you must verify the device name, model # as well as the software version. The last part is very important. Very few devices currently in use have updated their software and therefore are not currently compliant. Ensure to verify this, and if not updated, reach out to your supplier to find out when it will be updated and how this may change the operation of the system.

<https://tc.canada.ca/en/road-transportation/electronic-logging-devices/list-certified-electronic-logging-devices#wb-auto-4>

### **Who must comply?**

The regulation is a federal regulation, which means all federally regulated carriers who are currently required to use a logbook, with few exceptions, must comply. Each individual Province determines whether they will enforce it for Provincially regulated carriers, and if so, when. At the end of this update I will provide a status update for each jurisdiction and their enforcement/implementation plans.

**For those who are exempt, the list is small, and are below**



- (a) operated by a motor carrier under a permit;
- (b) operated by a motor carrier to which an exemption has been issued under the Act;
- (c) the subject of a rental agreement of no longer than 30 days that is not an extended or renewed rental of the same vehicle; or
- (d) manufactured before model year 2000.

An exemption is also being worked on for drive-away-away-operators and the Motion Picture Industry and is expected to be in place by January 1<sup>st</sup>.

**Below is a link to the full federal HOS regulations.**

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-313/>

### **Who will be ready to enforce the Federal Regulation?**

While this is a federal regulation, it is up to each Province and Territory to enforce the regulation, and some need to update their regulations in order to be able to enforce it. According to updates received last week, B.C. and Quebec will not be able to enforce the federal regulation by January 1<sup>st</sup>, as updates are still being worked on. While they expect enforcement to begin sometime in 2023, no confirmed timetable was available. The Northwest Territories won't be ready on January 1<sup>st</sup> but expect to begin enforcement sometime before the end of January. All other jurisdictions indicated they either are or will be ready to begin enforcement of the federal regulation by January 1<sup>st</sup>.

### **Who will enforce/enact the regulation for Provincially regulated carriers?**

If you are a carrier who solely operates inside the boundaries of one Province or Territory, you are governed by Provincial regs, not federal. If this is your situation, whether the ELD regulation applies to you, depends on what the Province or Territory you operate in has decided to do. The following Provinces have indicated the regulations will apply to Provincial Carriers in their province on January 1<sup>st</sup>, the same date as the federal Regs.

Newfoundland

New Brunswick

Ontario

Manitoba

Yukon

The NWT indicated they expect to begin enforcement for Territorial carriers before the end of January. B.C. and Quebec plan to enforce this for Provincial Carriers but have no confirmed timeline yet. Nova Scotia will enforce for Provincial Carriers in their Province on January 1<sup>st</sup> of 2024. Alberta and Saskatchewan have no plans currently to place this in their Provincial Regulations. Provincial Carriers who operate in P.E.I. only operate



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within a 160km radius, which means a logbook is not required, therefore no ELD is required.

## **Ferry Exemption**

The Federal regulation has a ferry exemption in it that allows a carrier to use time waiting to board the ferry, time while on the ferry, and time driving to a location within 25km's of dis-embarkment to be combined together to meet the 8 hour off duty requirement. The exemption will still be in place once ELD enforcement begins, and a driver will record it the same way as they do now on a paper log. The concern that has been raised is that the ELD does not know how to recognize this and it will show a violation. If this is true, provided drivers have proof in their possession that they are in compliance with the ferry exemption, (ferry terminal receipts for boarding, cabin berth etc), the officer will not charge the driver with a violation. Enforcement guidance is expected to be released prior to January 1<sup>st</sup>. Long term changes in the technical standard are being discussed to address the issue of the device showing a violation.

Should you have any questions on the upcoming ELD mandate, please feel free to reach back to me at [trucks@pmtc.ca](mailto:trucks@pmtc.ca)

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